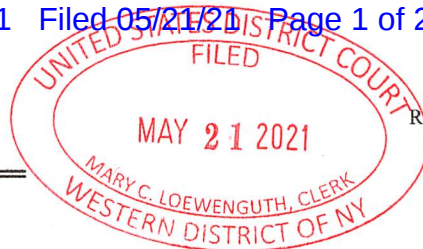


**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



Revised 07/07 WDNV

Michelle A Schenck "Prose"

Jury Trial Demanded: Yes No

Name(s) of Plaintiff or Plaintiffs

-VS-

United Airlines

DISCRIMINATION COMPLAINT

21 -CV- 659

Name of Defendant or Defendants

You should attach a copy of your **original Equal Employment Opportunity Commission (EEOC) complaint**, a copy of the Equal Employment Opportunity Commission **decision**, AND a copy of the **"Right to Sue"** letter you received from the EEOC to this complaint. Failure to do so may delay your case.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

JURISDICTION is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

In addition to the federal claims indicated above, you may wish to include New York State claims, pursuant to 28 U.S.C. § 1367(a).

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

PARTIES

1. My address is: 2815 Hopkins Rd
Amherst, NY 14228

My telephone number is: H 716 691 9298, C 716 390 1200

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: United Airlines

Number of employees: 500+

Address: 233 South Wacker Dr. 11th Floor
Chicago, IL 60606

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: _____

Address: _____

CLAIMS

4. I was first employed by the defendant on (date): 3/2/1998

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: 7/18/2019
8/14/2019, 12/6/2019
6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): 12/17/2019, 12/18/2019, 12/23/2019
1/15/2020, 1/27/2020, 2/3/2020, 12/28/2020
7. I believe that the defendant(s)
- a. Are still committing these acts against me.
- b. ✓ Are not still committing these acts against me.
- (Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) 1/27/2020
8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)
- The date when I filed a complaint with the New York State Division of Human Rights is _____
_____ (estimate the date, if necessary)
- I filed that complaint in (identify the city and state): _____
- The Complaint Number was: _____
9. The New York State Human Rights Commission did _____ /did not _____ issue a decision. (**NOTE:** If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: 5/12/2020
11. The Equal Employment Opportunity Commission did _____ /did not _____ issue a decision. (**NOTE:** If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: _____ . (**NOTE:** If it

did issue a Right to Sue letter, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)

13. I am complaining in this action of the following types of actions by the defendants:

- a. _____ Failure to provide me with reasonable accommodations to the application process
- b. _____ Failure to employ me
- c. ☒ Termination of my employment
- d. _____ Failure to promote me
- e. _____ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
- f. _____ Harassment on the basis of my sex
- g. _____ Harassment on the basis of unequal terms and conditions of my employment
- h. _____ Retaliation because I complained about discrimination or harassment directed toward me
- i. _____ Retaliation because I complained about discrimination or harassment directed toward others
- j. _____ Other actions (please describe) _____

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

- a. ☒ Race
- b. _____ Color
- c. _____ Sex
- d. _____ Religion
- e. _____ National Origin
- f. _____ Sexual Harassment
- g. ☒ Age 1/5/1955 Date of birth
- h. _____ Disability
 Are you incorrectly perceived as being disabled by your employer?
 _____ yes _____ no

15. I believe that I was ☒/was not _____ **intentionally** discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are _____ is not/are not ☒ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: 12/16/2019 → 1/27/2020 and why the defendant(s) stopped committing these acts against you: _____)

17. **A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim.** (NOTE: You **must** attach a copy of the **original complaint** you filed with the Equal Employment Opportunity Commission and a copy of the **Equal Employment Opportunity Commission affidavit** to this complaint; failure to do so will delay initiation of your case.)

18. The Equal Employment Opportunity Commission (*check one*):

☐ **has not** issued a Right to sue letter

☒ **has** issued a Right to sue letter, which I received on 2/26/2021

19. State here as briefly as possible the *facts* of your case. Describe how each defendant is involved, including *dates* and *places*. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (*Use as much space as you need. Attach extra sheets if necessary.*)

PLEASE SEE Attachment (4 pgs)

FOR LITIGANTS ALLEGING AGE DISCRIMINATION

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct
☒ 60 days or more have elapsed _____ less than 60 days have elapsed

FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on _____)

22. The date on which I first asked my employer for reasonable accommodation of my disability is _____

23. The reasonable accommodations for my disability (if any) that my employer provided to me are: _____

24. The reasonable accommodation provided to me by my employer were ____/were not ____ effective.

WHEREFORE, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: 5/21/2021 Madeline Stark "PROSE"

Plaintiff's Signature

Re: Michelle A. Schenck vs United Airlines, Inc. & Employees

May 21, 2021 Complaint: I have exhausted my administrative remedies and received my "right to sue" on February 26th, 2021. I am filing this charge in complaint about unlawful discrimination, harassment, bully, hostile work environment I experienced as a result of my race/White and my age (DOB 07/05/1955).

All actions of all defendants were taken by United employees and supervisors and managers.
> I believe United violated The Age Discrimination in Employment Act and Title VII of the Civil Rights Act of 1964 and compelled, coerced, collusion, aided and abetted discrimination.

On March 3rd, 1998 I began working as a flight attendant for Legacy United Airlines. Throughout my 22 years of employment I performed my duties competently and successfully. I was hard working, dedicated and loyal. I received numerous commendations and positive reviews from CEO's, managers, peers and passengers throughout my years of service. I have earned work-related privileges that were extremely resented with criticism which United intended to get rid of its senior flight attendants. United welcomed any criticism of its oldest employees in order to justify the eventual termination of senior employment. United is terminating older employees at an unprecedented rate. United targeted me with malicious and false discriminatory allegations based on my age and race/White.

December 16, 2019 to December 18, 2019 EWR-LHR-EWR

(3 day trip). 12/16/2019 Place: Newark Airport (EWR-LHR). 12/17/2019; Place: London layover (Mall) off duty. 12/18/2019 Place: London Heathrow International Airport/Aircraft. (LHR-EWR) 8 crew Attendants. Crystal Baxter (African American) Purser/Lead, Tony Williams (African American), Mechele Starkes (African American), Sharon Brown (African American), May Cheng (Asian), Ellie Bueno (Bi-African American), Blandin Clark (African American), Michelle Schenck (Caucasian).

Day 1: 12/16/2019- (EWR-LHR) Newark Airport: I checked in and introduced myself to the crew attendants. It was not reciprocated. I felt singled out, ignored and differentially mistreated because I am white.

> I believe employee Ms. Williams' opinion premeditated racial prejudice bias against my character prior to meeting other employees working and Ms. Williams has known bias regarding caucasian employees.

Day 2: 12/17/2019- Mall off duty (Layover): Mr. Clark asked to join me for shopping and dinner. Mr. Clark, relatively a new hire, completed United's six month probation period. In lighthearted conversation at dinner he mentioned the lack of teamwork and mistreatment the crew displayed towards me and I concurred his same mistreatment jokingly replied; "oh, no worries, those bitches" we both laughed. Mr. Clark remarked people do not consider him black African American due to his light colored skin. I referred to a boy, being younger in age "oh boy no you don't look black". We continued to shop. I did not recall Mr. Clark verbally offended nor correct my statement.

Day 3: 12/18/2019- Airport elevator/ Aircraft Flt#15 (LHR-EWR):

Re: Michelle A. Schenck vs United Airlines, Inc. & Employees

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Day 3: 12/18/2019- Airport elevator/ Aircraft Flt#15 (LHR-EWR):

I, along with seven employees entered the London Heathrow Airport elevator. I made a comment about the great time with Mr. Clark, remarking; "I had such a nice time with Blandin yesterday, that boy even helped me hold my bags while I put my coat on, what a gentleman"! Ms. Baxter's (third party) upset at my remark advised me of her previous position at United; "I was a Houston In-Flight Supervisor and here is a word of advice calling a black man a boy would not go well down there" (Texas). I am living in upstate New York. I was confused by her statement. I offered to apologize to Mr. Clark but was denied due to time constraints for an on-time departure. I remarked to Ms. Williams my unawareness and confusion of the misunderstood semantics of the word "I will have to be more vigilant moving forward especially of the way the world is today with everything being Politically Correct, Black Lives Matter and LGBTQ etc". Ms. Williams, Ms. Bueno and Ms. Starks "chanted" Black Lives Matter and profound language (bitch) at me. Two families requested infant bassinets. I referred to "Jewish family" to differentiate. This is a term widely used by flight attendants and Customer Service Representatives in the industry, most often Tel Aviv flights.

>I felt reverse discrimination against and bullied cornered in the aircraft "Aft" galley. I was called a "bitch" by a "black" employee while she was "on duty". I also reasonably believe that the attack stemmed from resentment of my privileges that accompanied my age and seniority. All 6 African American and 1 Asian employees submitted reports of falsehoods consistent verbatim targeting me because I am race/White. Most disturbing Ms. Williams reported; "I have worked with Michelle many times before and she does often refer to people based on race, ethnicity or religion". I have worked with Ms. Williams a couple of times at "Legacy" United before it merged with Continental Airlines (2010). Tony has known racial bias regarding caucasian employees. >I believe Employee Ms. Williams targeted me because I am race/White. All seven minority employee colluded reports contain numerous falsehoods and inaccuracies riddled with slander damaging my character.

12/23/2019: Ms. Baxter filed a complaint to United employees Mackey, Michelle, Cintron, Danny; Ethics And Compliance Office rified with false defamatory inaccurate statements.

>I believe Ms. Baxter; purser/lead flight attendant targeted me because I am white took the word "boy" out of context, misunderstood, blown out of proportion, and initiated a company investigation.

1/13/2020: Investigation Meeting 2:00pm rescheduled.

1/15/2020: "Investigation Meeting" 2:00pm.

> Insufficient documentation. Mr. Navin Singh (Union Representative) informed me United is pre-determining termination fearful "they do not want a "Starbuck" incident".

United failed transparency not providing all flight attendants reports and pertinent information prior to Investigation meeting.

1/27/2020: Terminated. "Decision Meeting" issued by Ms. Gloria Reid, African American; Supervisor Inflight Services, Reason "Derogatory Remarks". Present; Mr. Julian Salazar; Hispanic; Supervisor-Base In- Flight Management Inflight. AFA Union; Navin Singh Grievance Rep. and Kim Montgomery AFA Newark Domicile President.

1/27/2020: Grievance filed; Association of Flight Attendant AFA-MEC union.

2/1/2020: Employee Separation Letter reason; "Released-Unsatisfactory Performance".

3/5/2020: NJUI Appeal: New Jersey Department of Labor Appeal Tribunal determination reversed company decision found no intention of violation of United Airlines policy. I determined under oath I did not intend to be deliberate, offensive nor malicious.

5/12/2020: EEOC filed (Enclosed report). Mediation request denied.

United Airlines Position Statement to EEOC. United does not have the correct facts. United's statements contain numerous falsehoods and are inaccurate. I did not intentionally violate United's Working Together Guidelines.

12/18/2020: Appeal 1 Meeting, Manager, Izzy Ortiz (Hispanic), Supervisor, Julian Salazar (Hispanic) and Josie Lira(). Union Reps; Navin Singh & Peggy Kazlaukas; Association of Flight Attendants AFA-MEC via/ Zoom.

2/26/2021: Appeal 1 Decision; Izzy Ortiz Newark Supervisor-Termination no reversal.

2/26/2021: EEOC "Right to Sue" letter received. (Enclosed report).

> I believe United pre-determined my termination prior to the Investigation Meeting indicating "United does not want a Starbucks" incident. United ignoring my concern of a personal family matter at the Investigation Meeting. I, confused and emotionally distressed by retaliatory questions and the thought of losing my job over a misunderstanding. I am indignant and amazed that my character was judged without knowing me. I am annoyed and appalled I was intimidated not because I was called a bitch but for having a different opinion. I never want to offend or hurt anyone. I meant to compliment Mr. Clark's chivalrous kindness of someone younger in age than myself.

> United maintains that it will not compromise the safety of it's airline, that it believes in the "open sharing of collective attitude of safe thinking to create a safe culture". Ms. Baxter compromised the safety of Flight #15. United's policy emphasizes an important role that flight attendants play in this culture. "Each flight attendant is responsible for performing job duties safely and is instructed to protect you and your fellow co-workers" as per United's Working Together Guidelines.

>I was terminated because I am race/White. I was targeted because of being Caucasian falsely accused of insensitivity racially driven by seven minority employees for misunderstood semantics for the word "boy".

>I was terminated because of my age. United engages in a pattern of intentionally discriminating and retaliating against older long-time employees and replacing them with younger aged employees communicating with the word "boy".

>United failed to prevent discrimination and systemic harrassment of management supervisors Ms. Gloria Reid; African American And Mr. Julius Salazar; Hispanic. I believe I was discriminated against and unlawfully terminated by Ms. Reid because I was the race/White of six African American employees and 1 Asian employee. The termination "Decision Meeting" I responded "I am not a racist person" falsely accused and silenced.

>I believe after years of great performance. I am being nitpicked for things that United didn't care about before and a word everyone uses in the workplace; boy. Referring to a friend someone younger in age than myself taken out of context misunderstood and with no racial intent. I have been called a girl numerous times in all 20+years working at United.

If you cannot be specific and say that you acknowledge that someone who is significantly younger than you took offense at being referred to as a "boy", a word you use to describe those much younger and never at a position such that when his probationary period at United seemed to demand he be insulted on behalf of the black co-worker. Called a bitch. Behavior he told me he found it offensive until suddenly found himself referred to as a boy by a coworker. I have been called a "girl" for 22 years and had no idea that the male version of the term denoting young male was much more offensive to men? That my being referred to as "girl" is not meant as derisive should not be questioned in light of my being terminated for referring to a young male as "boy". I am outraged that it is not acceptable to refer to a young co-worker as "boy" but acceptable to refer to a seasoned coworker as "girl" at age 65.

I feel I was targeted and fired as opposed to a lesser punishment because of my age and status as a senior flight attendant. United terminated me and selected such a harsh penalty despite my 20+ years of above and beyond exemplary customer service and spotless work record and overall performance because I am an older employee who is more expensive to employ than younger new hires. United didn't choose a lighter penalty of suspension or counsel due to my age that would have contemplated me remaining employed, because of and as a direct result of my age.

As a consequence of United's unlawful termination I have suffered and continue to suffer, considerable lost wages and benefits (401k with match, travel and Life Insurance), harm to my professional reputation, career derailment, emotional physical distress, anxiety and mental anguish, sleeplessness, loss of enjoyment of life, strained relationship with my family and friends, suffering psychologically impacted by and changed my life.

In addition, the loss of my seniority and with employment records that include termination "Unsatisfactory Performance", however unjustified, I will have extreme difficulty finding a comparable position any time in the foreseeable future.

I allege claims of reverse race discrimination under The Age Discrimination in Employment Act and age discrimination under Title VII of the Civil Rights Act of 1964. Wrongful termination of employment, Hostile Work Environment, Retaliation bullying, Intentional infliction of emotional distress, Defamation and slander of all employees, Negligent Supervision against management defendants. Breach of express oral contract. Not to terminate employment without good cause against United and management.

My available remedies include reinstatement with my seniority pay, back pay, contract conditions, damages and any occurred fees.

Thank you. 
Michelle Ann Schenck

5/21/2021



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Buffalo Local Office**

Olympic Towers
300 Pearl Street, Suite 300
Buffalo, NY 14202
(716) 431-5007
TTY (716) 551-5923
FAX (716) 551-4387

Michelle Schenck
2815 Hopkins Road
W. Amherst, NY 14228

Re: EEOC Charge No.: 524-2020-00920
Michelle Schenck v. United Airlines

Dear Ms. Schenck:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures, we have evaluated your charge based upon the information submitted. You allege that you were targeted and terminated because of your race/white and age/65.

Respondent's position statement has been previously shared with you. Your rebuttal to this position statement has been received and analyzed. Based upon this analysis the Commission is unable to conclude that the information establishes a violation of Federal law on the part of Respondent. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

The Commission's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost.

Sincerely,

Maureen C. Kielt

Digitally signed by Maureen C. Kielt
DN: cn=Maureen C. Kielt, o=Equal Employment
Opportunity Commission, ou=Buffalo Local
Office, email=maureen.kielt@eoc.gov, c=US
Date: 2021.02.26 11:53:23 -05'00'

Maureen C. Kielt, Director
Buffalo Local Office



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Buffalo Local Office**

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DN: cn=Maureen C. Kielt, o=Equal Employment
Opportunity Commission, ou=Buffalo Local
Office, email=maureen.kielt@eoc.gov, c=US
Date: 2021.02.26 11:53:23 -05'00'

Maureen C. Kielt, Director
Buffalo Local Office

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Michelle A. Schenck**
2815 Hopkins Rd
W Amherst, NY 14228

From: **Buffalo Local Office**
300 Pearl Street
Suite 450
Buffalo, NY 14202



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

524-2020-00920

Charlene McKinnon,
Investigator

(716) 431-5009**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Maureen C. Kielt

Digitally signed by Maureen C. Kielt;
 DN: cn=Maureen C. Kielt, o=Equal Employment Opportunity Commission, ou=Buffalo Local Office
 email=maureen.kielt@eeoc.gov, c=US
 Date: 2021.07.26 12:34:44 -0500

Enclosures(s)

Maureen Kielt,
Local Office Director

(Date Issued)

CC:

Megan Detzner
Director, EEO Compliance
UNITED AIRLINES CORPORATE SUPPORT CENTER
233 South Wacker Drive, 11th Floor
Chicago, IL 60606

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Michelle A. Schenck**
2815 Hopkins Rd
W Amherst, NY 14228

From: **Buffalo Local Office**
300 Pearl Street
Suite 450
Buffalo, NY 14202



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

524-2020-00920

Charlene McKinnon,
Investigator

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The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Maureen C. Kielt

Digitally signed by Maureen C. Kielt;
 DN: cn=Maureen C. Kielt, o=Equal Employment Opportunity Commission, ou=Buffalo Local Office
 email=maureen.kielt@eoc.gov, c=US
 Date: 2021.05.26 12:34:44 -0500

Enclosures(s)

Maureen Kielt,
Local Office Director

(Date Issued)

CC:

Megan Detzner
Director, EEO Compliance
UNITED AIRLINES CORPORATE SUPPORT CENTER
233 South Wacker Drive, 11th Floor
Chicago, IL 60606

5/21/20

EEOC Form 5 (11/09)

| | | | |
|---|--|---|------------------------------------|
| CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form. | | Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 524-2020-00920 </div> </div> | |
| NEW YORK STATE DIVISION OF HUMAN RIGHTS and EEOC <i>State or local Agency, if any</i> | | | |
| Name (indicate Mr., Ms., Mrs.) MS. MICHELLE A SCHENCK | | Home Phone (716) 691-9298 | Year of Birth 1955 |
| Street Address City, State and ZIP Code 2815 HOPKINS RD, W AMHERST, NY 14228 | | | |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | | |
| Name UNITED AIRLINES | | No. Employees, Members Unknown | Phone No. (800) 358-5463 |
| Street Address City, State and ZIP Code 233 S WACKER DR, CHICAGO, IL 60606 | | | |
| Name | | No. Employees, Members | Phone No. |
| Street Address City, State and ZIP Code | | | |
| DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div><input type="checkbox"/> OTHER (Specify)</div> </div> | | DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 01-27-2020 01-27-2020 <input checked="" type="checkbox"/> CONTINUING ACTION | |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I began working for the above named Respondent on/about Mach 2, 1998. I was last classified as International/Domestic Flight Attendant.</p> <p>I worked a 3 day trip from Newark to London on December 16, 2019 - December 18, 2019. During the layover, myself along with flight attendant Blandin Clark, went shopping and went to dinner. The next day, myself, Blandin Clark, 6 other flight attendants, one pass rider were on the elevator on our way to the flight, when I stated that Blandin had been the perfect gentleman on our layover the day before and that he had even held my bags while I put my coat on. I actually made the comment 'that boy was such a gentleman' That same day, while preparing for the flight, I was called to the back of the plane by Crystal Baxter, Lead Attendant. Crystal informed me that where she was from it was considered offensive to refer to a black male as a boy. I informed Crystal that I wasn't trying to be offensive and that I would apologize to Blandin. Crystal told me that it wasn't necessary because Blandin did not know that she was speaking to me about it.</p> <p>On/about January 8, 2020 I received a phone call from Newark, Supervisor, Gloria Reid. Ms. Reid informed me that there had been an incident on the plane and there was going to be an investigation</p> | | | |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. | | NOTARY - When necessary for State and Local Agency Requirements | |
| I declare under penalty of perjury that the above is true and correct. | | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT | |
| Digitally signed by Michelle Schenck on 05-12-2020 07:04 PM EDT | | SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) | |

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge
No(s):☐ FEPA☒ EEOC**524-2020-00920****NEW YORK STATE DIVISION OF HUMAN RIGHTS**

and EEOC

State or local Agency, if any

conducted. There was originally a meeting scheduled for 1/13/2020 but it was changed to 1/15/2020. When I asked Ms. Reid what the purpose of the meeting was, she told me that she didn't know. I learned at the meeting that Crystal Baxter had filed a complaint with United Management Ethics and Compliance on December 23, 2019. The complaint stated that I said 'I made that black boy carry my shit'. This is not true. I also learned that all the flight attendants who were working that flight filed a complaint against me. Of the 8 attendants (crew members), I was the only one who was white. I was terminated on January 27, 2020. Respondent's stated reason for my termination was inappropriate behavior. I believe I was discriminated against and unfairly terminated because of my age (date of birth 7/5/1955) as I am older than most of the other flight attendants and also because of my race/White, as the flight attendants who filed false claims against me are 6 African American and 1 Asian. This is in willful violation of The Age Discrimination in Employment Act as well as Title VII of the Civil Rights Act of 1964 as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Digitally signed by Michelle Schenck on 05-12-2020 07:04 PM EDT

NOTARY - *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

**U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

Buffalo Local Office

Olympic Towers
300 Pearl Street, Suite 450
Buffalo, NY 14202
Buffalo Tel: (716) 431-5007
ADR Direct Dial: (716) 431-5018
Buffalo Fax: : (716) 551-4387
Website: www.eeoc.gov

Maureen Kielt
Director

July 16, 2020

Michelle Schenck
2815 Hopkins Road
W Amherst, New York 14228

EEOC CHG: 524-2020-00920
Michelle Schenck v UNITED AIRLINES

Dear Ms Schenck

This is to advise you that the above referenced charge is no longer being considered for mediation through the Equal Employment Opportunity Commission's Mediation Program as one of the parties declined or failed to respond to the EEOC's offer to mediate or an attempt at mediation did not prove successful. This charge be transferred to EEOC's enforcement unit for further investigation.

The EEOC requires a notice of appearance, if you are represented by legal counsel. If appearance has not been provided previously and you are represented, now is a good time to do this.

The EEOC will evaluate the evidence in the file according to our charge prioritization procedures and make an assessment as to the continued processing of this matter. During this transition period, you may direct your inquires to me at (716) 431-5018.

Sincerely,

PJ Parkhurst
Mediation Unit

U.S. Equal Employment Opportunity Commission
Buffalo Local Office 300 Pearl Street

Suite 450
Buffalo, NY 14202
(716) 431-5007
TDD: 1-800-669-6820
Fax: (716) 551-4387
1-800-669-4000

Respondent: UNITED AIRLINES
EEOC Charge No.: 524-2020-00920

FEPA Charge No.:

May 15, 2020

Michelle A. Schenck
2815 Hopkins Rd
W Amherst, NY 14228

Dear Ms. Schenck:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- ☒ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☒ The Age Discrimination in Employment Act (ADEA)
- ☐ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)
- ☐ The Genetic Information Nondiscrimination Act (GINA)

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

Please be aware that we will send a copy of the charge to New York State Division Of Human Rights Federal Contract Unit One Fordham Plaza, 4 Fl. Bronx, NY 10458 as required by our procedures. If the charge is processed by that agency, it may require the charge to be signed before a notary public or an agency official. Then the agency will investigate and resolve the charge under their statute. If this occurs, section 1601.76 of EEOC's regulations entitles you to ask us to perform a Substantial Weight Review of the agency's final finding. To obtain this review, a written request must be made to this office within 15 days of receipt of the agency's final finding in the case. Otherwise, we will generally adopt the agency's finding as EEOC's.

The quickest and most convenient way to obtain the contact information and the status of your charge is to use EEOC's Online Charge Status System, which is available 24/7. You can access the system via this link (<https://publicportal.eeoc.gov/portal>) or by selecting the "My Charge Status" button on EEOC's Homepage (www.eeoc.gov). To sign in, enter your EEOC charge number, your zip code and the security response. An informational brochure is enclosed that provides more information about this system and its features.

Megan Detzner

Director, EEO Compliance
Legal – WHQLD
Office 872-825-7608
Fax 872-825-0310
megan.detzner@united.com

June 4, 2020

Equal Employment Opportunity Commission
Buffalo Local Office
300 Pearl Street – Suite 450
Buffalo, NY 14202

Michelle Schenck v. United Airlines
Charge No: 524-2020-00920

Dear Investigative Unit,

United Airlines in is receipt of the above noted matter and we are working on our internal investigation. Due to the current circumstances and much of our staff working on a reduced schedule, we are requesting an extension to submit our response. Currently, our position statement is due on June 13, 2020 and we would appreciate a 30-day extension, until July 13, 2020.

We thank you for your consideration of this request.

Should you have any questions or require anything further from me at this time, please feel free to contact me. The best way to reach me is via email at megan.detzner@united.com

Sincerely,

/s/ Megan Detzner

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Michelle Schreck
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant United Airlines
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|--|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE